

Appln. No.: 10/516,632  
Amendment Dated January 17, 2007  
Reply to Office Action of October 26, 2006

NSG-242US

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**JAN 17 2007**

**Remarks/Arguments:**

Claims 1-6 are pending.

Claims 1-6 were rejected under 35 U.S.C. §102(e) as being anticipated by Komatsu et al. (U.S. 2004/0169605). This ground for rejection is respectfully traversed because Komatsu et al. is not a proper prior art reference against the subject application. The subject application is a National Stage application submitted under 35 U.S.C. §371 of a PCT application (WO 03/105278) having an international filing date of June 11, 2003 and designating the United States. As set forth in 35 U.S.C §363 and MPEP §1896, the filing date of a National Stage application submitted under 35 U.S.C §371 is the International filing date of its corresponding PCT application. See MPEP §1896 (I) that states "by virtue of 35 U.S.C. §363, the U.S. filing date of an international application that designates the United States is, for most legal purposes, the international filing date." Accordingly, the filing date of the subject application is June 11, 2003. The filing date of Komatsu et al. is December 23, 2003, which is after the filing date of the subject application. Accordingly, Komatsu et al. is not a proper prior art reference against the subject application. Consequently, claims 1-6 are not subject to rejection under 35 U.S.C. §102(e) as being anticipated by Komatsu et al.

In view of the foregoing remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-6.

Respectfully submitted,

  
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The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (571-273-8300) on the date shown below.

January 17, 2007

  
Patricia C. Boccella

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